

REMARKS

Claims 1-8, 12-16, 19-28, 32-34, and 36-38 are pending. There was previously a restriction requirement in this case. The Office Action now rejects claims 1-8, 12-15, 36 and 37. Claims 16, 19-28, 32-34, and 38 are withdrawn from consideration. Applicant notes that several of the rejected claims are linking claims, as discussed in the previous office actions and responses thereto.

The rejected independent claims are claims 5, 36, and 37. These claims are rejected as anticipated under 35 U.S.C. § 102(e) by *Jensen* (U.S. Patent Application No. 2004014268A1). These three rejected independent claims are now slightly amended to put them in better form.

Present Independent Claim 5 is not Disclosed or Suggested by Jensen

The non-final Office Action says at the top of page 4 that the “delivery request” of present claim 5 is anticipated by paragraph 34 of *Jensen*. This is incorrect. Paragraph 34 of *Jensen* describes a “request for services,” but that “request for services” does not include location information as presently claimed in claim 5. This is very clear from paragraph 35 of *Jensen* which says that a response to the “request for services” includes a “request for location information.” There would be no reason for *Jensen* to request location information in paragraph 35, if the location information had already been provided in paragraph 34.

The non-final Office Action says that paragraph 36 of *Jensen* discloses a delivery request containing the location information, but actually *Jensen* discloses putting that location information into a “new request message” of paragraph 37. That “new request message” in *Jensen*’s paragraph 37 is a different request from the “request for services” in *Jensen*’s paragraph 34.

Applicant respectfully emphasizes that *Jensen*’s “new request message” is the request that contains the location information, and *Jensen* is very clear that this “new request message” contains location information in a “pre-defined HTTP header” (see paragraphs [0037] and [0041] of *Jensen*). This is very different from present claim 5, according to which the location information is included in a location delivery document which is situated in a “body section” of the message. This

is a key feature of the present claimed invention, and is very different from the cited *Jensen* reference.

As explained in the present application as originally filed, the embedding of the location delivery document into the body of the communication message is in contrast to the attaching of the location delivery document to the header of the communication message in accordance with location attachment services. For example, an HTTP-based POST request message containing an XML-based location delivery document can be inserted into the body of the HTTP-based POST request message.

Transmitting location delivery documents contained as a payload in the body sections of HTTP-base and WSP-based messages provides an essential inter-operability issue. An application service provider can employ the same parsing functionality independent of the originating of the location related messages, i.e. of a mobile terminal or networked server. Further consistency of location delivery documents being part of the body section payload may enable the realization of an intermediate converting functionality such as location broker type of entity (device) converting for example MLP-based XML-encoded location documents to TLP-based XML-encoded location documents and vice versa, respectively.

Further Remarks Regarding *Jensen*

Jensen et al relates to the same technical field of enabling location-based or location-dependent services in a mobile communications network.

In paragraphs [0034] to [0035], *Jensen* describes in a general manner a response **200** sent by the origin server **110** (i.e., the application server, which provides the location-based of location-dependent services to mobile phones; cf. paragraph [0042]) to the mobile phone **100**, which response **200** includes a request for location information (last sentence of paragraph [0035]).

Jensen does not specify in detail that the response **200** includes a request for location information. This means that *Jensen* is silent about the structuring of the response **200** and in particular whether the request for location information is included in the header or both of the response **200**.

Further, *Jensen* describes in paragraphs [0037] to [0041] the new request message **204** generated by the mobile phone **100** responsive to the reception of the aforementioned response **200** containing request for location information. The new request message **204** includes location data collected by the mobile phone **100**. This collected location data is contained in a pre-defined HTTP header of the new request message **200** (cf. paragraph [0037]).

The new request message **200** is transmitted to the origin server **110**. The transmission is intercepted by a WAP gateway **104** interposed between mobile phone **100** and origin server **110**. The WAP gateway **104** may issue a separate request **206** to a location server **106** for resolving the location of the mobile phone **100** on the basis of the collected location data contained in the intercepted new request message **204** and provides the resolved location (in message **208**) to the WAP gateway **104**. The location server **106** may not be required when the collected location data of the mobile phone **100** is GPS data (cf. paragraphs [0038] and [0039]).

The WAP gateway **104** then provides the 'resolved' location data to the origin server **110**. Again, the location is provided by substituting the headers of the new request message **204**, which is subsequently received by the origin server **110** (cf. paragraphs [0041] and [0042]).

Further Remarks Regarding Present Independent Claim 5

Applicant respectfully submits that pending method claim 5 is clearly novel over *Jensen*. It appears that the Office Action has not addressed the differences between the subject matter of claim 1 and the subject matter of claim 5. In order to expedite prosecution of the present application, present claim 1 is now amended without prejudice to depend from claim 5.

The present invention relates to a new protocol to be used by the application server providing location-based or location-dependent services and a networked entity, which designates a WAP location query functionality (**102**) of a WAP client/mobile terminal or a WAP location attachment functionality (**151**)/WAP location query functionality (**152**).

Claim 1 addressed a method for requesting location information, i.e., a (invocation) response transmitted from the application server to the networked entity, which invocation response includes a request for location information (location invocation document). The location information requested

is required by the application server for performing its location-based or location-dependent services. This invocation response is somewhat comparable to the “response including the request location information” described by *Jensen*. However, as a feature distinguishing from the state of the art, the location invocation document of present claim 1 is situated in the “body section” of the message, in accordance with the communication protocol used.

In contrast to claim 1, pending method claim 5 relates to a method for transmitting location information, i.e., a delivery request transmitted from the network entity to the application server, which delivery request includes location information required by the application server for serving its location-based or location-dependent services. This delivery request is somewhat comparable to the ‘new request message’ described by *Jensen*. However, as a feature distinguishing from the state of the art, the location information of present claim 5 is included in a location delivery document which is situated in the body section of the message in accordance with the communication protocol. *Jensen* discloses nothing like that feature of present claim 5.

Jensen specifies in detail the structure of the corresponding “new request message” by describing that the collected and resolved location information are contained in the pre-defined HTTP header (cf. paragraphs [0037] and [0041] of *Jensen*). This is very different from present claim 5, according to which the location information is included in a location delivery document which is situated in the body section of the message in accordance with the communication protocol.

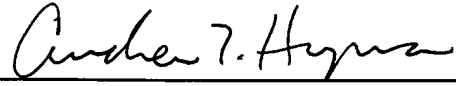
CONCLUSION

Applicant respectfully submits that the claims of the present application define patentable subject matter. Early passage of the pending claims to issue is earnestly solicited. Applicant would appreciate if the Examiner would please contact Applicant’s attorney by telephone, if that might help to speedily dispose of any unresolved issues pertaining to the present application.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Andrew T. Hyman", written in black ink over a horizontal line.

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